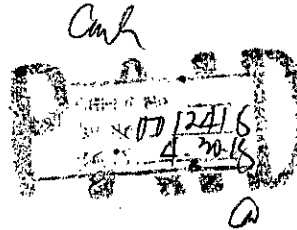


Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
Pacific Center Building  
San Miguel Avenue, Pasig City

IN THE MATTER OF THE  
APPLICATION FOR  
APPROVAL OF  
ADJUSTMENT IN RATES  
BASED ON THE DATA OF  
THE FOURTH TO SIXTH  
YEARS OF THE FIRST  
REGULATORY PERIOD FOR  
THIRD ENTRANT GROUP  
PURSUANT TO THE TARIFF  
GLIDE PATH (TGP) RULES,  
WITH MOTION FOR  
PROVISIONAL AUTHORITY

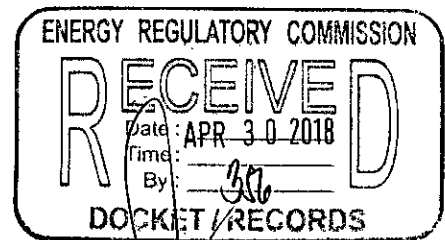


2018-036  
ERC CASE No. \_\_\_\_\_ RC

PAMPANGA III ELECTRIC  
COOPERATIVE, INC.  
(PELCO III),

Applicant.

x-----x



**APPLICATION**  
**[With Motion for Provisional Authority]**

Applicant, **PAMPANGA III ELECTRIC COOPERATIVE, INC. (PELCO III)**, through counsel, and to this Honorable Commission, respectfully alleges, that:

**THE APPLICANT**

1. PELCO III is a non-stock, non-profit electric cooperative duly organized and existing under the laws of the Republic of the

Philippines with principal office at McArthur Hi-way, Sampaloc, Apalit, Pampanga.

2. It holds an exclusive franchise issued by the National Electrification Commission to operate an electric light and power distribution system in certain municipalities of the province of Pampanga, namely: Apalit, Macabebe, Masantol, Minalin, San Simon and Sto. Tomas.

### **NATURE OF APPLICATION**

3. The instant Application is being filed for the approval of Applicant's proposed adjustment in its Distribution, Supply and Metering (DSM) Rates based on the data of the Fourth to Sixth Years of the First Regulatory Period to be implemented on the First to Third Regulatory Years of the Second Regulatory Period for Electric Cooperatives belonging to the Third Entrant Group under the Tariff Glide Path Rules (TGP Rules) and pursuant to said Rules, as well as other pertinent laws and rules.

### **STATEMENT OF FACTS**

4. Sometime in 2015, Applicant filed with the Honorable Commission an application for approval of the proposed adjustment in its DSM Rates pursuant to the TGP Rules, docketed as ERC Case No. 2015 - 107 RC.

5. In the said application, Applicant prayed for the approval of either of the following two (2) proposed alternative DSM rates, to be implemented effective January 2016, to wit:

#### **A. WITH PERFORMANCE INCENTIVE "S"**

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
<b>Distribution Charges:</b>				
Demand Charge	PhP/kW			<b>121.0956</b>
Distribution System Charge	PhP/kWh	<b>0.2807</b>	<b>0.3828</b>	
<b>Supply Charges:</b>				
Retail Customer Charge	PhP/Customer/Mo		<b>61.0126</b>	<b>61.0126</b>
Supply System Charge	PhP/kWh	<b>0.4229</b>		
<b>Metering Charges:</b>				
Retail Customer Charge	PhP/Meter/Mo.	<b>5.1074</b>	<b>56.0993</b>	<b>56.0993</b>
Metering System Charge	PhP/kWh	<b>0.3534</b>		

**B. EXCLUDING PERFORMANCE INCENTIVE “S”**

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
<b>Distribution Charges:</b>				
Demand Charge	PhP/kW			118.7247
Distribution System Charge	PhP/kWh	0.2752	0.3754	
<b>Supply Charges:</b>				
Retail Customer Charge	PhP/Customer/Mo		59.8180	59.8180
Supply System Charge	PhP/kWh	0.4146		
<b>Metering Charges:</b>				
Retail Customer Charge	PhP/Meter/Mo.	5.0074	55.0009	55.0009
Metering System Charge	PhP/kWh	0.3465		

6. The foregoing application was Applicant’s initial application for DSM rate adjustment pursuant to the TGP Rules, under which electric cooperatives are given an opportunity to adjust their rates once every three (3) years, which may occur at the start of the fourth year of the First Regulatory Period and every three (3) years thereafter.

7. Applicant belongs to the Third Entrant Group under the TGP Rules, whose first regulatory period is from January 1, 2013 to December 31, 2018. Having filed its initial application for DSM rate adjustment intended to take effect on the fourth year of the First Regulatory Period, PELCO III is filing the instant Application in the current year 2018, the sixth regulatory year of the First Regulatory Period, for the proposed adjustment of its DSM rates to be implemented on the first to the third regulatory years of the Second Regulatory Period for the Third Entrant Electric Cooperatives under the TGP Rules.

8. Applicant’s first TGP application under ERC Case No. 2015-107 RC is still pending evaluation of the Honorable Commission but in spite thereof, PELCO III is constrained to adopt and use the proposed DSM rates in the said application as its bases in computing the proposed adjustment in the instant Application.

## THE PROPOSED DSM RATE ADJUSTMENT

9. Under the TGP Rules, the concerned electric cooperative shall use the following formula in determining the TGP for the fourth to sixth years of the Regulatory Period, to wit:

$$TGP_B = TGP_n + TGP_{n+1} + TGP_{n+2}$$

where

$$TGP_n = I_n - X_n + S_n$$

n= the fourth year of the Regulatory Period and succeeding Regulatory Periods

The TGP calculated for each of the three years will be summed to determine the possible rate adjustment starting on the First Year of the next Regulatory Period.

10. Applying the methodology embodied in the TGP Rules, Applicant calculated the values of the "I", "X" and "S" and came up with the following results, to wit:

	"I"(B)	"X"(B)	"S"(B)	TGP B	TGP B (excluding S)
YEAR 2016	0.00%	0.00%	0.80%	0.80%	0.00%
YEAR 2017	0.00%	0.00%	1.60%	1.60%	0.00%
YEAR 2018	0.00%	0.00%	1.60%	1.60%	0.00%
<b>TOTAL</b>				<b>4.00%</b>	<b>0.00%</b>

11. Utilizing the above values will result in adjustments in Applicant's DSM Rates to be implemented on the first to third years of the Second Regulatory Period for electric cooperatives belonging to the Third Entrant Group, as follows:

### A. WITH PERFORMANCE INCENTIVE "S"

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
<b>Distribution Charges:</b>				
Demand Charge	PhP/kW			125.9394
Distribution System Charge	PhP/kWh	0.2919	0.3982	
<b>Supply Charges:</b>				
Retail Customer Charge	PhP/Customer/Mo		63.4531	63.4531
Supply System Charge	PhP/kWh	0.4398		
<b>Metering Charges:</b>				
Retail Customer Charge	PhP/Meter/Mo.	5.3117	58.3433	58.3433
Metering System Charge	PhP/kWh	0.3676		

**B. EXCLUDING PERFORMANCE INCENTIVE "S"**

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
<b>Distribution Charges:</b>				
Demand Charge	PhP/kW			118.7246
Distribution System Charge	PhP/kWh	0.2752	0.3754	
<b>Supply Charges:</b>				
Retail Customer Charge	PhP/Customer/Mo		59.8180	59.8180
Supply System Charge	PhP/kWh	0.4146		
<b>Metering Charges:</b>				
Retail Customer Charge	PhP/Meter/Mo.	5.0074	55.0009	55.0009
Metering System Charge	PhP/kWh	0.3465		

12. Consequently, Applicant respectfully prays that it be allowed to implement either of the above two calculated alternative DSM rates, effective January 1, 2019 and up to December 31, 2021.

**SUPPORTING DATA AND DOCUMENTS**

13. In support of the foregoing computations, Applicant is submitting herewith the following documents, which are being made integral parts hereof, to wit:

Annex Markings	Nature of Document
A and series	Proposed TGP Calculations and supporting documents using the prescribed templates: Index "I" Calculation Efficiency Factor "X" Calculation Performance Incentive "S" Calculation
B	MFSR - Sections B and E (2014-2017)
C	Billing Determinants Template (2014-2017 kWh Sales, No. of Customers and kW Demand)
D	Sample Bills per customer type (2014-2017)
E	Regional CPI (2014-2017)

F	RFSC Utilization (2015-2017)
G	Consumer Complaints Summary or Tracking Form (2015-2017)
H	Audited Financial Statements (2015-2017)

**ALLEGATIONS IN SUPPORT OF THE MOTION FOR PROVISIONAL AUTHORITY**

14. Applicant respectfully repleads herein the foregoing allegations;

15. Applicant respectfully prays that it be allowed to implement the proposed rate adjustment based on the With Performance Incentive "S", starting January 1, 2019, considering that it is expressly prescribed under the TGP Rules' provision on Regulatory Period and Process as follows:

"2. Regulatory Period and Process

2.1 On or before each Fourth month of the Third and Sixth regulatory year of their respective Regulatory Periods, the electric cooperative may file before the Commission an application for a rate adjustment reflecting the values for the "I", "X" and "S" as determined in accordance with these rules. ***The initial tariff caps of the respective ECs shall be adjusted by the "I, "X" and "S" effective at the start of the Fourth Regulatory Year of the First Regulatory Period x xx***" (Emphasis ours)

16. Under the TGP Rules, the regulatory period is six (6) years for each entry Group. For the Third Entrant Group, the first regulatory period is from January 1, 2013 to December 31, 2018 and the start of the Fourth Regulatory Year is January 1, 2016. Applicant belongs to the Third Entrant Group, accordingly, its initial DSM Rates under the TGP Rules should be adjusted through the proposed TGP B Rates starting January 1, 2019.

17. Aside from the foregoing, Applicant further prays for provisional authority to implement the proposed rates based on the With Performance Incentive "S", effective January 1, 2019 and even during the pendency of the instant Application, considering that Applicant urgently needs additional funds to be able to cope with the

rising costs of its operations. Among the major factors that added to its operating costs is the implementation of the Sitio Energization Program (SEP) of the government consisting of massive extension of its distribution lines up to the remotest and far-flung areas which considerably increased its operations and maintenance costs and likewise resulted to increased system losses which the cooperative is constrained to absorb;

18. Further, the rising cost of materials, tools, equipment, supplies, fuel and other costs incidental to its daily operations has considerably increased these past several years and the funds being generated from Applicant's DSM charges, the rates of which were granted by the Honorable Commission way back in Year 2010 by virtue of the Rules for Setting the Electric Cooperatives' Wheeling Rates (RSEC-WR), are no longer sufficient to cover those costs, and if not addressed accordingly with the further adjustment of its rates, Applicant's service to its consumers will be prejudiced.

19. Considering the foregoing, it is respectfully prayed that Applicant be allowed to implement the proposed DSM Rates based on the With Performance Incentive "S", effective January 1, 2019, even while the instant Application is pending hearing or evaluation of the Honorable Commission.

### **COMPLIANCE WITH PRE-FILING REQUIREMENTS**

20. Finally, in compliance with the pre-filing requirements under the ERC Rules of Practice and Procedure, Applicant is likewise submitting herewith the following documents, which are being made integral parts hereof, to wit:

Annex Markings	Nature of Document
I	Judicial Affidavit in support of the Motion for Provisional Authority
J and series	Proof of furnishing copies of the Application to the Sangguniang Bayan of Apalit and Sangguniang Panlalawigan of Pampanga
K and series	Proof of publication of the Application in a newspaper of general circulation in PELCO III's franchise area or where it principally operates

## PRAYER

**WHEREFORE**, premises considered, it is most respectfully prayed of this Honorable Commission that after due notice and hearing, Applicant PELCO III be allowed to implement either of the above two calculated alternative DSM rates, shown below and effective January 2019, to wit:

### A. WITH PERFORMANCE INCENTIVE "S"

	UNITS	CUSTOMER TYPE		
		Residential	Low Voltage	Higher Voltage
<b>Distribution Charges:</b>				
Demand Charge	PhP/kW			125.9394
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<b>Supply Charges:</b>				
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<b>Metering Charges:</b>				
Retail Customer Charge	PhP/Meter/Mo.	5.3117	58.3433	58.3433
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### C. EXCLUDING PERFORMANCE INCENTIVE "S"

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<b>Metering Charges:</b>				
Retail Customer Charge	PhP/Meter/Mo.	5.0074	55.0009	55.0009
Metering System Charge	PhP/kWh	0.3465		

Other relief, just and equitable in the premises are likewise being prayed for.

Pasig City, Metro Manila, April 25, 2018.



**DECHAVEZ LERIOS-AMBOY AND EVANGELISTA  
LAW OFFICES<sup>1</sup>**

Counsel for the Applicant  
**PAMPANGA III ELECTRIC COOPERATIVE, INC.  
(PELCO III)**

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Pearl Drive, Ortigas Center, Pasig City 1605  
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Email: powerlawfirm@gmail.com

By:



**MAUD EISEL H. ANGEL**

Roll of Attorneys No. 68771<sup>2</sup>

PTR No. 3039681, June 28, 2017, Pasig City

IBP No. 001807, May 09, 2017, Quezon City

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<sup>1</sup>Pursuant to Office of the Court Administrator Circular No. 56-2015, hereunder are the MCLE Compliance Numbers of the undersigned Firm's name partners, to wit:

Partners	MCLE Compliance No.	Date of Issuance
Joseph Ferdinand M. Dechavez	V-0005240	Jan. 7, 2015
Ditas A. Lerios-Amboy	V-0016672	March 6, 2016
Nelson V. Evangelista	V-0008307	June 3, 2015

<sup>2</sup>Explanation (Re: MCLE Compliance) - Admitted to the Philippine Bar in 2017. Pursuant to **Board Order No. 1, s. 2008** of the MCLE Governing Board, otherwise known as "Guidelines for MCLE Compliance of New Lawyers in view of Bar Matter No. 1922, S. 2008", she is exempted from complying with the MCLE requirement.

## VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

I, MARIA ELIZABETH D. URBANO, of legal age, Filipino and with office address at the Pampanga III Electric Cooperative Inc. (PELCO III) Mc Arthur Hi-way, San Vicente, Apalit, Pampanga, after being sworn to according to law, depose and state that:

1. I am the OIC-General Manager of the Pampanga III Electric Cooperative, Inc. (PELCO III), duly authorized to represent the cooperative in filing the instant application, copy of the corresponding Board Resolution is attached hereto and made integral part hereof;

2. I caused the preparation and filing of the foregoing Application; have read the allegations contained therein, and certify that the same are true and correct based on my personal knowledge as well as authentic records;

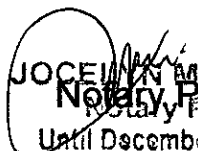
3. PELCO III has not heretofore commenced any other action or proceedings involving the same issues and parties before any court, tribunal or quasi-judicial agency; to the best of my knowledge no such action or proceeding is pending, and if I should learn that the same or similar action or proceeding has been filed or is pending, I undertake to report such fact to this Honorable Commission, within five (5) days therefrom.

Further, affiant sayeth naught.

  
MARIA ELIZABETH D. URBANO  
Affiant

SUBSCRIBED AND SWORN to before me in APALIT, PAMPANGA Pampanga, this 26<sup>th</sup> day of April 2018, by the affiant who exhibited to me her SSS-ID bearing No. 33-8414832-6.

Doc. No. 245 ;  
Page No. 50 ;  
Book No. LXVIII ;  
Series of 2018.

  
JOCELYN M. FLORES  
Notary Public  
Until December 31, 2019  
PTR No. 8967510 / 01-03-2018 / Pamp.  
IBP No. 1063187 / 01-03-2018 / Pamp.  
Roll of Attys. No. 44073  
Apalit, Pampanga